

As a community we talk about honoring our elders and veterans but do we really walk the talk? The reason I ask is because the former Anna John Nursing Home (AJNH) and current Anna John Resident Centered Care Community (AJRCCC) do not accept veteran benefits. What this means is, any one of our veterans who is relying on their veteran benefits for nursing home care will not be admitted into our nursing home unless they have other insurance or are a self-pay.

I have been inquiring about this issue for well over a year and the continual response I receive is, we are working on it. If you think about that response logically, the AJNH was open for well over thirty years and in all that time, management never thought to request the facility be veteran certified. Even if we overlook this fact, the planning and building of the new AJRCCC took years, years in which management could have researched, planned, submitted paperwork, etc., to ensure the facility was veteran certified. Even if we give management the benefit of the doubt and assume they have done all this, a target date of when veteran benefits will be accepted should be the appropriate answer rather than, we are working on it.

Another issue is admissions. The AJNH residents moved to the AJRCCC in June 2013. It is almost six (6) months later and there is still a waiting list of people wanting admission. How can there be a waiting list when the facility is not full? The last word from the current Administrator was they were going to call a few people a week to see if they were still interested. A few people a week? Why not call them all? Is it because of staffing levels? Does management know how many employees are needed if the facility is full? This should be a simple formula.

Speaking of staffing. Time and time again, management has been told by the Oneida Business Committee that they want Oneida people working at the AJRCCC. Time and time again this request is disregarded. Most recently with the hiring of the current Administrator who came from a temp agency. As a temp employee, the Tribe had to buy out her current contract with the temp agency. At what cost? Again, if you apply logic, she has all the skills and tools required to be an administrator so you select the most qualified Oneida applicant and have the temp person train the Oneida. When the Oneida receives the required license you send the temp back to the agency. Instead management has chosen to hire, at high costs, temp employees who have no understanding of our values and culture or of what things we hold most dear. Is this really what you want for your loved ones or our veterans who fought selflessly for our freedom?

In addition to this knowledge, I have first-hand experience with a loved one who resided at the AJNH and the AJRCCC which brings even more issues. In an attempt to ensure other community members did not have to experience what I did, I applied to be a member of the AJNH Board. I felt that my understanding of the situation would be beneficial to the board. On November 13, 2013 I was appointed to the Board. On November 15, 2013, a motion was made to delay the oath of office until a complaint I filed with the State was resolved.

I did file a complaint with the State about the admission process. The State Statutes state "no facility may refuse to admit new residents solely because of the day of the week", simple right? Well, we called on a Saturday and admission did not occur until Wednesday. The reasons we were given, it was a holiday weekend and no one was available. Yes it was Easter weekend but Easter is not a recognized holiday by the tribe. Next, the person who does admissions is on vacation. They use a temp agency regularly, call the temp agency, we had a file started. Regardless, the State Statute is clear, no excuses and if we truly honor our elders as we say we do, we would have contingency plans in place, obviously we do not. After expressing my concerns to Comprehensive Health Management, I was told to submit a complaint to the State. That was interesting in itself. The General Tribal Council (GTC) approved the

hiring of an Ombudsman to deal with Health Center issues yet I was told to go to the State. Obviously Comprehensive Health Management does not respect the work done by the Ombudsman and the Ombudsman has no authority to direct change. This is unfortunate as I am positive that was not the intent of the GTC when this position was approved.

Councilwoman Melinda Danforth made a motion "to delay the oath of office for the new Anna John Nursing Home Commissioner, Mary Graves until such time the complaint that she submitted against the administrator is resolved by the State, seconded by Patty Hoeft." For the record "Melinda J. Danforth stated that I'm not making any judgments about whether or not the complaint is legitimate or not. It's just that we're appointing a new commissioner to the Anna John Nursing Home Commission, which they submitted a complaint against the administrator, which I just don't want to create an adversarial environment in that areas right off the get go."

The statement is interesting considering, the appointment was approved on 11/13, Melinda being one of those approving yet she brought the issue back on 11/15 to delay it. If she was aware of the complaint I filed on 11/13 it should have been brought up at that time. Looks to me that Comprehensive Health Management does not want me on the AJNH Board and why do you think that is? Maybe it is because I like to stir the pot or maybe it is because I am aware of the issues or maybe it is because I am aware of the statutes in which they must operate under. Combine all that and surely I am not a good candidate for the Board simply because I may expect change and we all know in order to get ahead in Oneida you must be a yes person or be from the right family or be complacent.

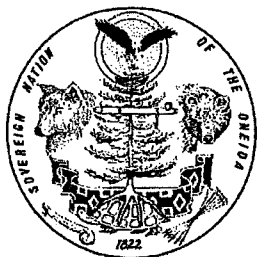
I do take exception to two statements in Melinda's paragraphs, first, she's not saying the complaint is legitimate or not. If she has seen the complaint and researched the Statute, it really is a no-brainer. The question I have to ask, why do I know the statutes and she does not? As the liason to health and with all the health related trainings she attends every year, I would think more positive changes would have occurred by now. Obviously it is Comprehensive Health Management who is in charge not Melinda. Maybe that is why the Comprehensive Health Director still gets a pretty hefty stipend each month just in case an alarm goes off. I wonder how all the other on-call staff feels about getting nothing while she brings home the big check.

The other issue I have is "I just don't want to create an adversarial environment". Is Melinda implying I am going to be adversarial or that management is? Make no mistake, I named the Administrator in my complaint as well as the Comprehensive Health Director. Both were aware of our situation, both did nothing to abide by the state statutes or to improve the situation and I asked that both be held accountable for their inaction.

With all that being noted, the appointment I received to the AJNH Board has been delayed. Obviously management wants a yes person or someone who will not question. To the Oneida community I apologize for not being able to actually fight for the elders and/or veterans which I personally hold dear. Instead of becoming a board member, I will have to fight for them in another forum and I hope others will question not only the practices but the stipend. We all had our per-capita cut for the next few years while this person goes home each month with a check larger than my rent payment. How is this fair to all the other employees who are on-call nights, weekends and holidays? What about the employees who are required to work nights, weekends, and holidays? I hope too that the temp agency issue is brought forward and addressed. I personally would like to know how much it cost to buy out the administrators contract and what value that brought to the facility. Is she currently training an Oneida to take over her position?

We all have continually heard about the Tribe's financial situation. I for one do not find it comforting that the AJRCCC has not actively sought admissions and therefore essentially refused revenue. Money we could have used during the government shutdown rather than refusing services to our people.

I apologize for only scratching the surface of this issue and hope you will remember all this come election time. Until our leaders take control of the Division Directors and until we have knowledgeable leaders who are unafraid of the consequences we will never see positive change and we will continue in the same cycle of falling revenues, unfair practices, and a community divided and who benefits from that?



# Oneida Business Committee

## Regular Meeting

1:30 p.m. Wednesday, Nov. 13 and Nov. 15, 2013  
BC Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center

## Minutes

I. **Call to Order and Roll Call** by Vice Chairman Greg Matson at 1:38 p.m.

II. **Opening** by Delores Cornelius

III. **Approve the agenda**

Motion by Melinda J. Danforth to adopt the agenda with the noted changes: six additions in open session, 1. Travel request from Vice Chairman to attend a Tribal Consultation meeting, 2. Update regarding the Oneida Cemetery, 3. Request to for change in travelers to attend Code Talking event, 4. Approve activation of CIP project for the Oneida Judiciary Center, 5. Older Americans Act resolution, 6. Administration of Children & Families request for nominations to the Tribal Advisory Committee; two additions in executive session, 1. Approve 55 new enrollments, 2. OHA restructure; deleting items IV.1, IX.C.2, XII.1.e, seconded by Vince DelaRosa. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan

Not present: Ed Delgado, Paul Ninham, Brandon Stevens

IV. **Oaths of Office**

1. **Oneida Arts Board** – Rosa Francour **DELETED FROM AGENDA**

V. **Minutes to be approved**

1. **Oct. 23, 2013 regular meeting minutes**

Motion by Melinda J. Danforth to approve Oct. 23, 2013 regular meeting minutes, seconded by Vince DelaRosa. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan

Not present: Ed Delgado, Paul Ninham, Brandon Stevens

2. **Oct. 23, 2013 emergency meeting minutes**

Motion by Melinda J. Danforth to approve Oct. 23, 2013 emergency meeting minutes, with the noted change to add Melinda J. Danforth as present at that meeting, seconded by David Jordan. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan

Not present: Ed Delgado, Paul Ninham, Brandon Stevens

VI. **Resolutions**

VII. **Reports**

1. **Emergency Management** – Marty Antone

*Excerpt from Oct. 23, 2013: Motion by Patty Hoeft to defer the Emergency Management report to the next Business Committee meeting, seconded by Vince DelaRosa. Motion carried unanimously.*

Motion by David Jordan to defer the Emergency Management report to the next Business Committee meeting, seconded by Vince DelaRosa. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan

Not present: Ed Delgado, Paul Ninham, Brandon Stevens

2. **Governmental Services Division** – Don White

Motion by David Jordan to defer the Governmental Services report to the next Business Committee meeting, seconded by Vince DelaRosa. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan

Not present: Ed Delgado, Paul Ninham, Brandon Stevens

VIII. **Boards, Committees and Commissions**

A. **Appointments**

1. **Post 4 Oneida Arts Board vacancies**

Motion by David Jordan to post 4 Oneida Arts Board vacancies, seconded by Patty Hoeft. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan  
Not present: Ed Delgado, Paul Ninham, Brandon Stevens

**2. Appoint Mary Graves to Anna John Nursing Home Commission**

Motion by David Jordan to appoint Mary Graves to Anna John Nursing Home Commission, seconded by Vince DelaRosa. Motion carried with one abstention:

Ayes: Melinda J. Danforth, Vince DelaRosa, Patty Hoeft, David Jordan  
Abstained: Tina Danforth  
Not present: Ed Delgado, Paul Ninham, Brandon Stevens

Motion by Melinda J. Danforth to delay the oath of office for the new Anna John Nursing Home Commissioner, Mary Graves until such time the complaint that she submitted against the administrator is resolved by the State, seconded by Patty Hoeft. Motion carried unanimously:

Ayes: Melinda J. Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Paul Ninham  
Not present: Tina Danforth, Greg Matson, Brandon Stevens  
For the record: Melinda J. Danforth stated that I'm not making any judgments about whether or not the complaint is legitimate or not. It's just that we're appointing a new commissioner to the Anna John Nursing Home Commission, which they submitted a complaint against the administrator, which I just don't want to create an adversarial environment in that arena right off the get go.  
For the record: Ed Delgado stated that I think we need to be cognizant or recognize that we don't want people who are on commissions or who are already on a commission....I'm not sure but it just doesn't seem to be right for somebody who has a complaint to register that complaint at the appropriate office. Otherwise we have a community who is afraid to submit complaints when there might be a legitimate reason for complaint.

**3. Appoint Carol Silva and Jeanette Ninham to Oneida Child Protective Board**

Motion by David Jordan to appoint Carol Silva and Jeanette Ninham to Oneida Child Protective Board, seconded by Tina Danforth. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan  
Not present: Ed Delgado, Paul Ninham, Brandon Stevens

**4. Appoint Yasiman Metoxen and Floyd Silas Jr. for 2 full terms on the Powwow Committee and Jeremy King to finish term ending Jan. 25, 2015**

Motion by Melinda J. Danforth to approve Yasiman Metoxen and Floyd Silas Jr. for 2 full terms on the Powwow Committee and Jeremy King to finish term ending Jan. 25, 2015 and to allow the Secretary to administer the oaths of office outside of the Business Committee meeting, seconded by David Jordan. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan  
Not present: Ed Delgado, Paul Ninham, Brandon Stevens

**5. Appoint Tom Wilbur to Oneida Seven Generations Corporation**

Motion by David Jordan to table this item until after the Dec. 15, 2013 GTC meeting, seconded by Tina Danforth. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan  
Not present: Ed Delgado, Paul Ninham, Brandon Stevens

**B. Quarterly reports**

**1. Oneida Arts Board – Nick Reynolds, Chairman**

*Excerpt from Oct. 23, 2013: Motion by David Jordan to defer the Oneida Arts Board quarterly report to the next Business Committee meeting, seconded by Paul Ninham. Motion carried unanimously.*

Motion by Patty Hoeft to accept the Oneida Arts Board quarterly report, seconded by David Jordan. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan  
Not present: Ed Delgado, Paul Ninham, Brandon Stevens

**2. South Eastern Oneida Tribal Services – Pamela Ninham, Chairwoman**

*Excerpt from Oct. 23, 2013: Motion by Brandon Stevens to defer the South Eastern Oneida Tribal Services quarterly report to the next Business Committee meeting, seconded by Paul Ninham. Motion carried unanimously. NOT SUBMITTED*

Motion by Melinda J. Danforth to defer the South Eastern Oneida Tribal Services quarterly report to the next Business Committee meeting, seconded by David Jordan. Motion carried with one abstention:

Ayes: Melinda J. Danforth, Vince DelaRosa, Patty Hoeft, David Jordan  
Abstained: Tina Danforth  
Not present: Ed Delgado, Paul Ninham, Brandon Stevens

**3. Oneida Land Claims Commission – Amelia Cornelius, Chairwoman NOT SUBMITTED**

Motion by Melinda J. Danforth to defer the Oneida Land Claims Commission quarterly report to the next Business Committee meeting, seconded by David Jordan. Motion carried with one abstention:

Ayes: Melinda J. Danforth, Vince DelaRosa, Patty Hoeft, David Jordan  
Abstained: Tina Danforth  
Not present: Ed Delgado, Paul Ninham, Brandon Stevens

**4. Oneida Land Commission – Amelia Cornelius, Chairwoman**

Motion by David Jordan to accept the Oneida Land Commission quarterly report, seconded by Patty Hoeft. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan  
Not present: Ed Delgado, Paul Ninham, Brandon Stevens

**5. Oneida School Board – Bernie John-Stevens, Chairman**

Motion by Patty Hoeft to accept the report Oneida School Board quarterly report, seconded by David Jordan. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan  
Not present: Ed Delgado, Paul Ninham, Brandon Stevens

**IX. Standing Committees**

**A. Legislative Operating Committee – Melinda J. Danforth, Chairwoman**

**1. Oct. 2, 2013 meeting minutes**

Motion by Melinda J. Danforth to approve the Oct. 2, 2013 meeting minutes, seconded by David Jordan. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan  
Not present: Ed Delgado, Paul Ninham, Brandon Stevens

**2. Early Return to Work Law amendments**

Motion by Melinda J. Danforth to adopt resolution 11-13-13-A Amendments to the Early Return to Work Law-Chapter 309, seconded by David Jordan. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan  
Not present: Ed Delgado, Paul Ninham, Brandon Stevens

**3. GTC Meetings Law**

Motion by David Jordan to accept GTC Meeting Law and forward to the next available GTC meeting for consideration for adoption, seconded by Vince DelaRosa. Motion carried with one abstention:

Ayes: Melinda J. Danforth, Vince DelaRosa, Patty Hoeft, David Jordan  
Abstained: Tina Danforth  
Not present: Ed Delgado, Paul Ninham, Brandon Stevens

**4. Child Support Law amendments**

Motion by Melinda J. Danforth to accept the memo as FYI and that the Business direct that the Oneida Child Support Department develop alternatives for enforcements for those parents who are in arrears of over \$1,000 dollars, seconded by David Jordan. Motion carried with one abstention:

Ayes: Melinda J. Danforth, Vince DelaRosa, Patty Hoeft, David Jordan  
Abstained: Tina Danforth  
Not present: Ed Delgado, Paul Ninham, Brandon Stevens

**5. Library Board Bylaws amendments**

Motion by David Jordan to approve the Library Board Bylaws amendments, seconded by Vince DelaRosa. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan  
Not present: Ed Delgado, Paul Ninham, Brandon Stevens

**B. Finance Committee – Treasurer Tina Danforth, Chairwoman**

**1. Nov. 8, 2013 Finance Committee meeting minutes**

Motion by David Jordan to approve Nov. 8, 2013 Finance Committee meeting minutes, seconded by Vince DelaRosa. Motion carried with one abstention:

Ayes: Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan  
Abstained: Melinda J. Danforth  
Not present: Ed Delgado, Paul Ninham, Brandon Stevens

**C. Community Development Planning Committee** – Vince DelaRosa, Chairman did not address

**1. Oct. 3, 2013 CDPC meeting minutes HANDOUT**

Motion by Patty Hoeft to approve the Oct. 3, 2013, 2013 CDPC meeting minutes, seconded by Vince DelaRosa. Motion carried unanimously:

Ayes: Melinda J. Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Paul Ninham, Brandon Stevens

Not present: Tina Danforth, Greg Matson

**2. Nov. 7, 2013 CDPC meeting minutes DELETED FROM AGENDA**

**D. Quality of Life** – Paul Ninham, Chairman

**X. General Tribal Council** – Patty Hoeft

**1. Special GTC meeting Dec. 15, 2013 meeting materials ready for distribution**

Motion by Vince DelaRosa to approve the packet with the noted changes and to include the analysis overview from the CFO, seconded by Patty Hoeft. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan

Not present: Ed Delgado, Paul Ninham, Brandon Stevens

Motion by Patty Hoeft to recess until Nov. 15, 2013 at 1 p.m., seconded by Vince DelaRosa. Motion carried with one abstention and one opposed:

Ayes: Vince DelaRosa, Patty Hoeft, David Jordan

Opposed: Melinda J. Danforth

Abstained: Tina Danforth

Not present: Ed Delgado, Paul Ninham, Brandon Stevens

For the record: Tina Danforth stated my abstention is because I will be out on funeral time and in my absence I am going to ask that the CFO present the Treasurer's report during that session.

## ***Oneida Business Committee***

### **Regular Meeting**

**1:00 p.m. Friday, Nov. 15, 2013**

**BC Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center**

Motion Vince DelaRosa to come out of executive session Nov. 15, 2013 at 1:04 p.m. and to accept one addition to the agenda in executive session, 1. OHA restructure, seconded by Patty Hoeft. Motion carried unanimously:

Ayes: Melinda J. Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Paul Ninham, Brandon Stevens

Not present: Tina Danforth, Greg Matson

**XI. Unfinished Business**

**1. Approve CIP project #07-009 Building Demolitions and activation of CIP 2014 funds**

Sponsor: Butch Rentmeester

***Excerpt from Oct. 9, 2013: Motion by Melinda J. Danforth to table, seconded by Paul Ninham.***

***Motion carried unanimously.***

Motion by Vince DelaRosa to approve CIP project #07-009 Building Demolitions, seconded by Patty Hoeft. Motion carried with one abstention:

Ayes: Melinda J. Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Brandon Stevens

Abstained: Paul Ninham

Not present: Tina Danforth, Greg Matson

**XII. New Business/Requests**

**1. FY2013 Employment, Compensation & Benefits** – Geraldine Danforth, HR Area Manager

**a. Development Division (Senior Custodian-Stationary, Custodian-Roving, Custodian-Stationary): Approve position list to continue with hiring and posting processes**

***Excerpt from Oct. 23, 2013: Motion by Brandon Stevens to defer Development Division position list to continue with hiring and posting processes for two weeks, seconded by Paul Ninham. Motion carried unanimously. DELETED FROM AGENDA***

**b. Development Division: Approve hiring an ET Administrative Assistant for Administration**

Motion by Melinda J. Danforth to deny Developments Division request for hiring an ET Administrative Assistant for Administration, seconded by Vince DelaRosa. Motion carried with one opposed: